IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 12057 of 2005

Between:

K. Rajamallu, s/o Lachaiah,
Sri Rajarajeswara Swami Devasthanam, Vemulawada, Karimnagar District.

..... PETITIONER

AND

The Executive Officer, Sri Rajarajeswara Swami Devasthanam,
Vemulawada, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Proc.Rc.No.A2/879/05 dt.5-4-2005 passed by the Respondent suspending the petitioner from services as illegal arbitrary and against principles of natural of justice and consequently set aside the order.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondent: MR.RAVI KONDAVEETI

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed by the petitioner aggrieved by the suspension order passed by the respondent dated 05-04-2005.

2. According to the petitioner, a criminal case was registered on a private complaint by the petitioner's sister-in-law because of some family disputes with reference to the properties. On that, the petitioner was arrested and sent for judicial custody. In view of the arrest and kept in the judicial custody, the respondent passed the impugned order of suspension. According to the petitioner, as the arrest and detention of the petitioner was not in connection with the affairs of the employment, the suspension is not proper and just.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. The impugned order of suspension was passed in terms of Rule 8 (2) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, and it is not disputed that the said Rule provides for placing the petitioner under suspension when he was arrested and kept in the judicial custody. Therefore, there is no merit in the contention of the petitioner with reference to the order of suspension. The learned counsel, however, contended that during the suspension period, the petitioner is not being paid any subsistence allowance though he is entitled for subsistence allowance.

5 . The respondent is, therefore, directed to pass appropriate orders allowing the subsistence allowance to be paid to the petitioner during the continuance of the suspension order in accordance with the Rules.

6. The Writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

09th June, 2005

SKM

To

1 The Executive Officer, Sri Rajarajeswara Swami Devasthanam,

Vemulawada, Karimnagar District.

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